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November 3, 2010

**BY ECF**

Thomas Quinn, Courtroom Clerk  
to the Honorable Judith G. Dein  
United States District Court  
District of Massachusetts  
John Joseph Moakley United States Courthouses  
1 Courthouse Way – Suite 6420  
Boston, MA 02210

Re: Cambridge Place Investment Management Inc.  
v. Morgan Stanley & Co., Inc., et al.  
United States District Court – District of Massachusetts  
Case No. 1:10-cv-11376-NMG

Dear Mr. Quinn:

This letter concerns the Court's Order from this morning scheduling the hearing on Plaintiff's Motion to Remand for Monday, November 8 to coincide with the hearing on Defendants' Motion to Take Jurisdictional Discovery.

As set forth below, briefing has not closed on Plaintiff's Motion to Remand because Plaintiff was previously afforded leave to file a reply brief. If the Court prefers to hear argument on both the Motion to Remand and the Motion to Take Jurisdictional Discovery at the same hearing, Plaintiff respectfully suggests that -- to the extent consistent with the Court's calendar -- the Court schedule the hearing for Monday, November 15, and Plaintiff will submit its Reply brief in advance.

By way of more detailed background, there are two motions coming up for hearing before the Court: (1) Plaintiff's Motion to Remand [Docket 133], and (2) Defendants' Motion to Take Jurisdictional Discovery [Docket 158].

Plaintiff filed its Motion to Remand [Docket 133] on September 13, 2010. On September 22, 2010, Defendants filed an Assented-To Motion for Extension of Time to Respond to Plaintiff's Motion for Remand [Docket 148]. The Motion requested that the Court extend the time for Defendants to submit their Opposition to Plaintiff's Motion to Remand until October 22, 2010, and grant the Plaintiff leave to file a Reply brief to be due on November 19, 2010. The Court (J. Gorton) granted this Motion for Extension on October 4, 2010, thereby allowing the extension of time for Defendants to oppose the Motion to Remand, and allowing Plaintiff to file a reply brief by November 19, 2010.

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Defendants filed their Motion to Take Jurisdictional Discovery [Docket 158] on October 18, 2010. On October 19, 2010, the Court (J. Dein) scheduled a hearing on this Motion to take place on Monday, November 8, 2010. No hearing was scheduled for the Motion to Remand, for which briefing is incomplete.

This morning, the Court (J. Dein) issued an Order indicating that it also intended to hear the issue of "jurisdiction based on a related bankruptcy proceeding" (i.e. the issue argued in the Motion to Remand papers) during the November 8, 2010 hearing.

As set forth in the Court's October 4, 2010 Order, briefing will not be complete on the Motion to Remand in time for the November 8 hearing since Plaintiff's Reply brief is not due until November 19.

Plaintiff respectfully submits that its anticipated Reply brief in support of its Motion to Remand will assist the Court in its assessment of the issues involved. In addition, Defendants' Opposition to the Motion to Remand incorporates thousands of pages of additional documents, and Plaintiff intends to address those documents in its Reply for the Court's consideration.

Plaintiff is prepared to argue Defendant's Motion to Take Jurisdictional Discovery on Monday, November 8<sup>th</sup> as scheduled. If the Court prefers to hear both pending motions on the same day, however, we respectfully propose the following:

- (a) Postpone the presently scheduled November 8 hearing for one week, until November 15;
- (b) Plaintiff submits its Reply brief eight days early, by November 11 (instead of November 19).

Thank you very much for raising this with the Court. Please feel free to contact me if you or the Court has any questions.

Very truly yours,



Michael S. D'Orsi (Counsel for Plaintiff)

MSD/jlf

cc: Counsel of Record (by ECF)